

### **REMARKS**

Claims 1-11 and 13-68 are pending. Claim 12 is cancelled without prejudice. Claims 1, 4, 6, 7, 11, 20, 29, 34, 42, 51, 58, and 61 are amended. Claim 68 is newly added. No new matter was added. *Support in the specification for the amendments may be found in at least paragraphs [00026], [0027], [0036], [0042] and [0045].* Applicant respectfully requests reconsideration in view of the amendments and the following remarks.

### **Commonly Owned Application**

To fully comply with 37 C.F.R. §1.56, Applicants and Applicants' attorney hereby disclose the existence of the following related and commonly owned, now abandoned patent application to which the present application claims priority: U.S. Patent Application No. 10/704,164, (U.S. Patent Publication No. 2005/0100023 A1).

**Applicant respectfully requests the Examiner to review the claims and the prosecution history, including any Office Actions issued by the U.S. Patent and Trademark Office, for U.S. Patent Application No. 10/704,164, since the specifications and possibly the claims may include common or significantly related subject matter. In particular, the Examiner is respectfully requested to carefully review the identified prosecution history of the following presently cited application:**

U.S. Patent Application Serial No. 10/704,164 – Office Action dated August 22, 2007, Response filed December 14, 2007; Office Action dated April 3, 2008; Notice of Abandonment October 15, 2008.

### **Claim Rejections – 35 USC §101**

Claims 20-28 were rejected under 35 USC §101 as directed to non-statutory subject matter. Amended claim 20 includes a memory and a processor. Claims 21-28 depend from claim 20 and, therefore, include all of the features of claim 20. Accordingly, Applicant respectfully requests withdrawal of the 35 USC §101 rejections of claims 20-28.

### **Claim Rejections – 35 USC §102**

Claims 1-4, 6-8, 11-14, 16-17, 19-25, 29, 34-36, 38-40, 42-44, 46, 48-49, 51, 53-55, 57-58, and 61-67 were rejected under 35 USC §102(b) as anticipated by US. Patent No. 5,761,430 by Gross. Claim 12 was cancelled rendering its rejection moot. As explained below, Gross fails to describe all of the features of claims 1-4, 6-8, 11, 13, 14, 16-17, 19-25, 29, 34-36, 38-40, 42-44, 46, 48-49, 51, 53-55, 57-58, and 61-67.

#### **Claim 1**

Goss fails to describe the features of claim 1 of "a network interface configured to operate within the operating system, the network interface operable to send and receive via a switched network a stream of packets for the applications, where the stream of packets includes data packets and isochronous audio packets" (emphasis Applicant's). In contrast, Gross describes a circuit that includes an Ethernet controller 12, an Ethernet transceiver 10 and a timing circuit 20. (Gross, Col. 2, lines 6-7; and Fig. 2A.) The circuit may receive and transmit synchronous data to and from another device, such as a compact disk player, via a synchronous receiver 30 and a synchronous transmitter 32, respectively. (Gross, Col. 4, lines 48-53.) The circuit may further communicate control data to and from the circuit with a serial data I/O port 24. (Gross, Col. 4, lines 43-45 and lines 53-55.) Gross fails to describe an operating system. Indeed, Gross describes "[c]omputer data [as] primarily asynchronous in nature, and ... not highly sensitive to non-deterministic latencies." (Gross, Col. 1, lines 37-39.)

Although the network may be "an unmodified Ethernet network", the devices on the network are customized node devices. (Gross, Col. 2, lines 6-7.) For example, lines 28 included in each of the node devices on the network are connected to system status indicators, which "are status lights that are controlled from node processor 16 to indicate status of the node--transmitting, receiving, failure, etc." (Gross, Col. 4, lines 60-65.) Even if the Ethernet controller 12 and/or the Ethernet transceiver 10 were construed to be "a network interface configured to operate within the operating system," which is clearly improper, then each of the nodes on the network requires the additional timing circuit 20 to be wired to the Ethernet controller 12 and/or the Ethernet transceiver 10. (Gross, Col. 2, lines 6-7; and Fig. 2A.) Thus, the particular circuit described by Gross fails to describe a network interface configured to operate within an operating system.

Additionally, Goss fails to describe the features of claim 1 of "an isochronous audio driver executable within the operating system, the isochronous audio driver configured to ... provide decoded audio data included in the isochronous audio packets to the isochronous audio application, the isochronous audio driver further configured to pass the data packets without change to a protocol stack, the protocol stack configured to provide information in the data packets to the other applications[, the data packets including information other than the isochronous audio data and other than information related to communication of the isochronous audio data]" (emphasis Applicant's). For the reasons provided below, the "isochronous audio driver," the "isochronous audio application," and the "other applications" may not be construed to be the network interrupt handler 46, the audio/video processor 50, and the supervisor/conductor 54/56, respectively (See, Office Action, p. 3, lines 10-16.)

As explained above, Gross fails to describe an "operating system." Thus, Gross fails to describe "an isochronous audio driver executable within the operating system." Gross is completely silent on a "protocol stack configured to provide information in the data packets to the other applications[, the data packets including information other than the isochronous audio data and other

than information related to communication of the isochronous audio data]" (emphasis Applicant's). The supervisor 54 and the conductor 56 of Gross could not be construed to be a protocol stack. In sharp contrast, the supervisor 54 and the conductor 56 receive asynchronous data related to the communication of isochronous data. The supervisor 54 recognizes control signals from the asynchronous data and generates control signals on the I/O ports, 24 and 26. (Gross, Col. 6, lines 30-36.) The "control signals [are] associated with synchronous input/output data that is to be transmitted, or received, over the network" (Gross, Col 4, lines 55-59) (emphasis Applicant's). The conductor 56 handles reservation requests (Gross, Col. 6, lines 37-38.) Accordingly, Goss fails to describe "an isochronous audio driver executable within the operating system, the isochronous audio driver configured to ... provide decoded audio data included in the isochronous audio packets to the isochronous audio application, the isochronous audio driver further configured to pass the data packets without change to a protocol stack, the protocol stack configured to provide information in the data packets to the other applications[, the data packets including information other than the isochronous audio data and other than information related to communication of the isochronous audio data]" (emphasis Applicant's).

#### **Claims 2-4 and 6-8**

Claims 2-4 and 6-8 depend from, and include the features of, claim 1. Thus, for at least the foregoing reasons, Gross fails to describe all of the features of claims 2-4 and 6-8.

Additionally, Gross fails to describe the features of claim 2 of "in response to only one interrupt request from the network interface, the operating system is configured to execute the network interface, the isochronous audio driver and the isochronous audio application as a group to process isochronous audio packets received from and transmitted via the switched network" (emphasis Applicant's). In contrast, Gross describes executing software in response to interrupts from no

less than three sources. Gross describes executing the network interrupt handler 46 to buffer data in a FIFO buffer 41 in response to interrupts generated by the Ethernet controller 12 and the ordered persistent timer 20. (Gross, Col. 5, line 45-Col. 6, line 5.) Goss further describes a frame interrupt handler 52 that builds a frame of synchronous data from the isochronous data in the FIFO buffer 41 in response to an interrupt generated by an oscillator 66. (Col. 6, lines 20-25.) Even if the Ethernet controller 12 were construed to be the "network interface configured to operate within the operating system, the network interface operable to send and receive via a switched network a stream of packets for the applications," which it clearly is not, Gross fails to describe "in response to only one interrupt request from the network interface, the operating system is configured to execute the network interface, the isochronous audio driver and the isochronous audio application as a group to process isochronous audio packets received from and transmitted via the switched network" as recited in claim 2 because the frame interrupt handler 52 executes in response to another interrupt generated by the oscillator 66.

#### **Claim 11**

For the foregoing reasons, Gross fails to describe the features of Claim 11 of:

an operating system adapted to execute a plurality of applications, the network interface configured to operate within the operating system, the network interface operable to send and receive via a switched network a stream of data packets and isochronous audio packets for the applications, the isochronous audio packets including isochronous audio data, the data packets including information other than the isochronous audio data and other than information related to communication of the isochronous audio data, transmission of the isochronous audio packets being in response to receipt of a respective synchronization packet;

an isochronous audio driver in communication with the network interface and the applications, where the isochronous audio driver is configured to identify and decode isochronous audio packets to extract audio data; and

a protocol stack adapted to communicate with the isochronous audio driver and applications other than the isochronous audio application;

where the isochronous audio driver and the protocol stack are configured to execute within the operating system; and

where the isochronous audio driver is configured to provide the audio data from the decoded isochronous audio packets to the isochronous audio application, and pass the data packets received from the switched network to the protocol stack unaltered by the isochronous audio driver

(emphasis Applicant's).

#### **Claims 13-14, 16-17, and 19**

Claims 13-14, 16-17, and 19 depend from, and include the features of, claim 11. Thus, for at least the foregoing reasons, Gross fails to describe all of the features of claims 13-14, 16-17, and 19.

#### **Claim 20**

For the foregoing reasons, Gross fails to describe the features of Claim 20 of:

an isochronous audio driver in communication with the isochronous audio application, the isochronous audio driver configured to convert the formatted audio data to isochronous audio data and buffer the isochronous audio data, where the isochronous audio driver and the isochronous audio application are executable within an operating system;

the isochronous audio driver configured to receive data packets from a protocol stack configured to execute within the operating system, the data packets including information other than the isochronous audio data and other than information related to communication of the isochronous audio data;

the isochronous audio driver adapted to receive and decode a synchronization packet receivable from a switched network, where the synchronization packet includes a frame number;

where in response to receipt of the synchronization packet, the isochronous audio driver is configured to generate an isochronous audio packet that includes buffered isochronous audio data and the frame number, the isochronous audio packet transmittable over the switched network.

(emphasis Applicant's).

### Claims 21-25

Claims 21-25 depend from, and include the features of, claim 20. Thus, for at least the foregoing reasons, Gross fails to describe all of the features of claims 21-25.

### Claim 29

For the foregoing reasons, Gross fails to describe features of Claim 29 of:

isochronous audio software executable with the operating system to process received isochronous audio packets, and generate isochronous audio packets from audio data for transmission,

where the network interface is configured to operate within the operating system, the network interface adapted to send and receive via a switched network a stream of packets for a plurality of applications, where the received stream of packets includes data packets, synchronization packets and isochronous audio packets and the sent stream of packets includes data packets and isochronous audio packets, where transmission of each of the isochronous audio packets is in response to receipt of a respective one of the synchronization packets, and where the data packets include information other than the audio data and other than information related to communication of the audio data;

where the isochronous audio software is adapted to communicate with the network interface and the applications, the isochronous audio software configured to decode isochronous audio packets from the received stream and further configured to pass data packets from the received stream to the other applications through a protocol stack without any processing of the data packets by the isochronous audio driver, and the isochronous audio software further configured to initiate transmission of the isochronous audio packets generated by the isochronous audio software in the sent stream of packets in response to receipt of a synchronization packet in the received stream of packets.

(emphasis Applicant's).

#### Claim 34

For the foregoing reasons, Gross fails to describe the features of Claim 34 of:

the network interface configured to operate within the operating system, the network interface operable to send and receive isochronous audio packets and data packets via a switched network; and

isochronous audio software that is executable within the operating system substantially in parallel with other applications executable by the operating system, the isochronous audio software executable to process isochronous audio packets received from or provided to the network interface, where the isochronous audio packets each include audio data, and transmission of each of the isochronous audio packets is in response to receipt of a respective synchronization packet; and

the isochronous audio software is further executable to pass data packets received from the network interface to a protocol stack accessible by at least one of the other applications, the data packets including information other than the audio data and other than information related to communication of the audio data.

(emphasis Applicant's).

#### Claims 35, 36, and 38-40

Claims 35, 36, and 38-40 depend from, and include the features of, claim 34. Thus, for at least the foregoing reasons, Gross fails to describe all of the features of claims 35, 36, and 38-40.

#### Claim 42

For the foregoing reasons, Gross fails to describe the features of Claim 42 of:

the network interface configured to operate within the operating system, the network interface operable to receive isochronous audio packets and data packets from a switched network, the isochronous audio packets including isochronous audio data, and the data packets including information other than the isochronous audio data and unrelated to communication of the isochronous audio data, where transmission of each of the

isochronous audio packets is in response to receipt of a respective one of a plurality of synchronization packets; and  
isochronous audio software that is executable within the operating system substantially in parallel with other applications executable by the operating system, the isochronous audio software executable to extract audio data from the isochronous audio packets received from a switched network, the isochronous audio software further executable to pass the data packets unmodified from the network interface to at least one of the other applications

(emphasis Applicant's).

#### **Claims 43, 44, 46, 48 and 49**

Claims 43, 44, 46, 48 and 49 depend from, and include the features of, claim 42. Thus, for at least the foregoing reasons, Gross fails to describe all of the features of claims 43, 44, 46, 48 and 49.

#### **Claim 51**

For the foregoing reasons, Gross fails to describe the features of Claim 51 of:

the network interface configured to operate within the operating system, the network interface configured to transmit isochronous audio packets via a switched network, and configured to receive data packets and synchronization packets from a switched network; and  
isochronous audio software that is executable within the operating system substantially in parallel with other applications executable within the operating system, the isochronous audio software executable to format audio data into isochronous audio packets for transmission by the network interface in response to receipt of one of the synchronization packets;  
the isochronous audio software further executable within the operation system to receive data packets from a protocol stack, the protocol stack in communication with at least one of the other applications, the data packets including information other than the audio data and unrelated to communication of the audio data.

(emphasis Applicant's).

### Claims 53-55 and 57

Claims 53-55 and 57 depend from, and include the features of, claim 51. Thus, for at least the foregoing reasons, Gross fails to describe all of the features of claims 53-55 and 57.

### Claim 58

For the foregoing reasons, Gross fails to describe the features of Claim 58 of:

an operating system that is adapted to execute a plurality of applications, the applications executable within the operating system to communicate with a switched network via the network interface according to a network protocol; and

isochronous audio software that is executable within the operating system substantially in parallel with other applications executable within the operating system, the isochronous audio software executable to communicate isochronous audio packets with the switched network via the network interface, where transmission of each of the isochronous audio packets is in response to receipt of a respective one of a plurality of synchronization packets;

the isochronous audio software further executable within the operating system to communicate data packets between at least one of the other applications and the network interface, the data packets including information other than isochronous audio data and unrelated to communication of the isochronous audio data,

the isochronous data packets including the isochronous audio data, where the data packets and the isochronous audio packets are formatted in accordance with different respective protocols.

(emphasis Applicant's).

### Claim 61

For the foregoing reasons, Gross fails to describe the features of Claim 61 of:

receiving a stream of packets with a network interface, the stream of packets including data packets and isochronous audio packets, transmission of each of the isochronous audio packets being in response to receipt of a respective synchronization packet;  
processing the stream of packets with a network interface driver configured in an operating system;

processing the stream of packets with an isochronous audio driver to pass without change those packets that are data packets to a protocol stack, the isochronous audio driver and the protocol stack configured to operate in the operating system;

decoding those packets that are isochronous audio data with the isochronous audio driver; and

substantially in parallel decoding those packets that are data packets with the protocol stack, the data packets including information other than the isochronous audio data and information unrelated to communication of the isochronous audio data.

(emphasis Applicant's).

#### **Claims 62-67**

Claims 62-67 depend from, and include the features of, claim 61. Thus, for at least the foregoing reasons, Gross fails to describe all of the features of claims 62-67.

For the forgoing reasons, Gross fails to describe all of the features of claims 1-4, 6-8, 11, 13, 14, 16-17, 19-25, 29, 34-36, 38-40, 42-44, 46, 48-49, 51, 53-55, 57-58, and 61-67. Claim 12 was cancelled. Accordingly, Applicant respectfully requests withdrawal of the 35 USC §102(b) rejections of claims 1-4, 6-8, 11-14, 16-17, 19-25, 29, 34-36, 38-40, 42-44, 46, 48-49, 51, 53-55, 57-58, and 61-67.

#### **Claim Rejections – 35 USC §103**

Claims 5, 9, 10, 15, 18, 26, 27, 28, 30-33, 37, 41, 45, 47, 50, 52, 56, 59, and 60 were rejected under 35 USC §103(a) as unpatentable over Gross.

However, as explained below, claims 5, 9, 10, 15, 18, 26, 27, 28, 30-33, 37, 41, 45, 47, 50, 52, 56, 59, and 60 are patentable over Gross.

#### **Claim 5**

With regard to claim 5, the Office Action dated May 4, 2009, includes a factual assertion that "Windows, Unix or Linux are well known in the art." (Office Action, p. 6, lines 17-20.) Official notice of this factual assertion was not taken, however. If the Office Action is taking official notice of this factual assertion, Applicant respectfully requests, pursuant to MPEP 2144.03(c), and to clarify issues for appeal, that the factual assertion be officially noticed and adequate evidence be provided to support such a factual finding. If official notice is being taken, Applicant traverses for the following reasons.

Applicant respectfully submits that, in the context of the computer system described in claim 5, it would not be obvious to modify Gross to use "Windows, Unix or Linux." Contrary to the assertion in the Office Action, the computer system of claim 5 is not merely the combination of a known element according to its established function in order to yield a predictable result. (Office Action, p. 7, lines 1-2.) Claim 5 depends on claim 1 and, therefore, includes all of the features of claim 1. As explained above in connection with claim 1, Gross fails to describe all of the features of claim 1. To the Applicant's knowledge, "Windows, Unix, or Linux" fails to describe the missing features. For example, "Windows, Unix, or Linux" fail to describe the features of claim 1 of "an isochronous audio driver executable within the operating system, the isochronous audio driver configured to ... provide decoded audio data included in the isochronous audio packets to the isochronous audio application, the isochronous audio driver further configured to pass the data packets without change to a protocol stack, the protocol stack configured to provide information in the data packets to the other applications], the data packets including information other than the isochronous audio data and other than information related to communication of the isochronous audio data]" (emphasis Applicant's).

Even if it could be demonstrated that Gross and "Windows, Unix or Linux" together described all of the features included in the rejected claim, it would not be obvious to modify Gross to use "Windows, Unix or Linux" to obtain the computer system of claim 5 because such a modification would change the principle of operation of Gross. For example, even if the Ethernet controller 12 and/or the Ethernet transceiver 10 were "a network interface configured to operate within the operating system," which is clearly not the case, then the node device on the network still requires the additional timing circuit 20 to be wired to the Ethernet controller 12 and/or the Ethernet transceiver 10. (Gross, Col. 2, lines 6-7; and Fig. 2A.) The additional timing circuit 20 is central to the operation of the circuit described in Gross. Gross recognizes the benefits of using "an unmodified Ethernet network," but nonetheless requires augmenting standard Ethernet transceivers and controllers with at least the timing circuit 20. (Gross, Col. 2, lines 6-7; and Fig. 2A.) If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious. MPEP § 2143.01(VI); In re Ratti, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). For the foregoing reasons, it would not be obvious to modify Gross to use "Windows, Unix or Linux" to obtain the computer system recited in claim 5.

### **Claims 15, 28, 30, and 31-33**

Claim 15 depends on claim 11. Claim 28 depends on claim 20. Claims 30 and 31-33 depend on claim 29. Thus, for the foregoing reasons, it would not be obvious to modify Gross to use "Windows, Unix or Linux" to obtain the computer systems of claims 15, 28, 30, and 31-33. (See, Office Action, p. 7, lines 9-10 and lines 17-18.)

### Claim 9

With regard to claim 9, the Office Action dated May 4, 2009, includes a factual assertion that "a CobraNet specification" is well known in the art. (Office Action, p. 7, lines 3-4.) Official notice of this factual assertion was not taken, however. If the Office Action is taking official notice of this factual assertion, Applicant respectfully requests, pursuant to MPEP 2144.03(c), and to clarify issues for appeal, that the factual assertion be officially noticed and adequate evidence be provided to support such a factual finding. If official notice is being taken, Applicant traverses for the following reasons.

Gross and the CobraNet specification, either alone or in combination, fail to teach or suggest all of the limitations of claim 9. Contrary to the assertion in the Office Action, the computer system of claim 9 is not merely the combination of a known element according to its established function in order to yield a predictable result. (Office Action, p. 9, lines 7-8.) Claim 9 depends from claim 1. As explained above, Gross fails to describe all of the features of claim 1. The CobraNet specification fails to describe the missing features. For example, CobraNet fails to describe the features of claim 1 of "an isochronous audio driver executable within the operating system, the isochronous audio driver configured to ... provide decoded audio data included in the isochronous audio packets to the isochronous audio application, the isochronous audio driver further configured to pass the data packets without change to a protocol stack, the protocol stack configured to provide information in the data packets to the other applications], the data packets including information other than the isochronous audio data and other than information related to communication of the isochronous audio data]" (emphasis Applicant's). Therefore, the combination of Gross and the CobraNet specification is not the combination of a known element according to its established function in order to yield a predictable result. (See, Office Action, p. 7, lines 3-8.) Accordingly, Gross as modified by the CobraNet specification fails to teach or suggest all of the features of claim 9.

### **Claims 37, 50, 52, and 60**

For the foregoing reasons, claims 37, 50, 52, and 60 are not obvious in view of the combination of Gross and the CobraNet specification. (See, Office Action, p. 8, lines 1-2.)

### **Claims 18, 45, 56, and 59**

With regard to claims 18, 45, 56, and 59, the Office Action dated May 4, 2009, includes a factual assertion that "TCP/IP" is well known in the art. (Office Action, p. 7, lines 11-16.) Official notice of this factual assertion was not taken, however. If the Office Action is taking official notice of this factual assertion, Applicant respectfully requests, pursuant to MPEP 2144.03(c), and to clarify issues for appeal, that the factual assertion be officially noticed and adequate evidence be provided to support such a factual finding. If official notice is being taken, Applicant traverses for the following reasons.

Gross and TCP/IP, either alone or in combination, fail to teach or suggest all of the limitations of claim 18. Contrary to the assertion in the Office Action, the computer system of claim 18 is not merely the combination of a known element according to its established function in order to yield a predictable result. (Office Action, p. 7, lines 14-16.) Claim 18 depends from claim 11. As explained above, Gross fails to describe all of the features of claim 11. TCP/IP fails to describe the missing features. For example, TCP/IP fails to describe the features of claim 11 of "the isochronous audio driver is configured to provide the audio data from the decoded isochronous audio packets to the isochronous audio application, and pass the data packets received from the switched network to the protocol stack unaltered by the isochronous audio driver" (emphasis Applicant's). Therefore, the combination of Gross and TCP/IP is not the combination of a known element according to its established function in order to yield a predictable result. (See, Office Action, p. 7, lines 14-16.) Accordingly, Gross as modified by TCP/IP fails to teach or suggest all of the features of claim 18.

Claim 45 depends from claim 42 and includes all of the features thereof. Claim 56 depends from claim 51 and includes all of the features thereof. Claim 59 depends from claim 58 and includes all of the features thereof. Thus, for the foregoing reasons, Gross as modified by TCP/IP fails to teach or suggest all of the features of claim 45, 56, and 59.

#### **Claim 47**

With regard to claim 47, the Office Action dated May 4, 2009, includes a factual assertion that "IEEE 802.3 standard" is well known in the art. (Office Action, p. 8, lines 3-4.) Official notice of this factual assertion was not taken, however. If the Office Action is taking official notice of this factual assertion, Applicant respectfully requests, pursuant to MPEP 2144.03(c), and to clarify issues for appeal, that the factual assertion be officially noticed and adequate evidence be provided to support such a factual finding. If official notice is being taken, Applicant traverses for the following reasons.

Gross and the IEEE 802.3 standard, either alone or in combination, fail to teach or suggest all of the limitations of claim 47. Contrary to the assertion in the Office Action, the computer system of claim 5 is not merely the combination of a known element according to its established function in order to yield a predictable result. (Office Action, p. 8, lines 6-8.) Claim 47 depends from claim 42. As explained above, Gross fails to describe all of the features of claim 42. The IEEE 802.3 standard fails to describe the missing features. For example, the IEEE 802.3 standard fails to describe the features of claim 42 of "the isochronous audio software further executable to pass the data packets unmodified from the network interface to at least one of the other applications."

#### **Claims 10, 27, and 41**

Claims 10, 27, and 41 were rejected as obvious in view of the combination of Gross and U.S. Patent Publication No. 2001/0001564 A1 by Smyers

("Smyers"). However, Gross and Smyers, separately or in combination, fail to teach or suggest all of the features of claims 10, 27, and 41.

Claim 10 depends on claim 1. Because claim 1 is allowable, claim 10 is also allowable.

Claim 27 depends on claim 20. Because claim 20 is allowable, claim 27 is also allowable.

Claim 41 depends on claim 34. Because claim 34 is allowable, claim 41 is also allowable.

Therefore, for the foregoing reasons, Gross and Smyers, either alone or together, fail to teach or suggest all of the features of claims 10, 27 and 41.

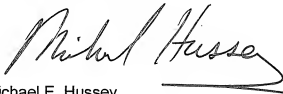
#### **Claim 26**

Claim 26 was rejected as unpatentable over Gross in view of U.S. Patent No. 6,675,054 B1 to Ruberg ("Ruberg"). Claim 26 depends on claim 20. Because claim 20 is allowable, claim 26 is also allowable.

For the foregoing reasons, claims 5, 9, 10, 15, 18, 26, 27, 28, 30-33, 37, 41, 45, 47, 50, 52, 56, 59, and 60 are patentable over Gross. Accordingly, Applicant respectfully request withdrawal of the 35 USC §103(a) rejections of claims 5, 9, 10, 15, 18, 26, 27, 28, 30-33, 37, 41, 45, 47, 50, 52, 56, 59, and 60.

The present pending claims of this application are allowable and Applicant respectfully requests the Examiner to issue a Notice of Allowance for this application. Should the Examiner deem a telephone conference to be beneficial in expediting allowance/examination of this application, the Examiner is invited to call the undersigned attorney at the telephone number listed below.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Michael Hussey", with a long horizontal flourish extending to the right.

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MEH/sev

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